

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OFFICE OF THE CLERK
300 NORTH HOGAN STREET, SUITE 9-150
JACKSONVILLE, FLORIDA 32202-4271

Sheryl L. Loesch
Clerk

Eric Hogue
Jacksonville Division Manager
(904)549-1900

February 10, 2005

Clerk, United States District Court
502 Harold D. Donohue Federal Building
and United States. Courthouse
595 Main Street
Worcester, MA 01608-2076

Re: Transfer of Criminal Case - Magistrate No. 3:05-M-0036-TEM
United States v. Michael R. Deppe; 05-1644-CBS

Dear Sir:

Pursuant to Rule 40 of the Federal Rules of Criminal Procedure, enclosed are certified copies of the following: orders, waiver of removal along with copies of all other pertinent papers.

Please acknowledge receipt of these documents on the bottom of the copy of this letter and return the copy to this office. Thank you.

SHERYL L. LOESCH, CLERK

BY:


DEPUTY CLERK

Enclosures

ACKNOWLEDGMENT OF RECEIPT OF DOCUMENTS

This is to acknowledge receipt of the above documents in the above referenced case on this _____ day of _____.

By: _____

Sheryl L. Loesch
Clerk

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OFFICE OF THE CLERK
300 NORTH HOGAN STREET, SUITE 9-150
JACKSONVILLE, FLORIDA 32202-4271

FILED
MK 2-17-05
CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE, FLORIDA
Eric Hogue
Jacksonville Division Manager
(904)549-1900

February 10, 2005

Clerk, United States District Court
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SHERYL L. LOESCH, CLERK

BY:

Marlene Korte
DEPUTY CLERK

Enclosures

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By: _____

7

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

FILED
2-9-05
CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE FLORIDA

UNITED STATES OF AMERICA

COMMITMENT

v.

TO ANOTHER DISTRICT**MICHAEL R. DEPPE****CASE NO. 3:05-M-0036-TEM**

CHARGES		
Charging Document	Statute	Charging District
Warrant for Arrest	18 U.S.C. §1343	District of Massachusetts
		05-1644-CBS
Description: Wire Fraud		

PROCEEDINGS	
BOND STATUS:	Defendant waived identity hearing and reserved his right to have detention hearing held in the charging district. Defendant request preliminary hearing to be held in the charging district. CERTIFIED A TRUE COPY
COUNSEL:	Federal Public Defender SHERYL L. LOESCH, CLERK U. S. DISTRICT COURT
INTERPRETER:	Not required By: <i>Marlene Herley</i> Deputy Clerk

TO: THE UNITED STATES MARSHAL		
<p>You are hereby commanded to take custody of Michael R. Deppe and to transport the defendant with a certified copy of this Commitment Order forthwith to the Charging District and there deliver him to the United States Marshal for that District or to some other officer authorized to receive the defendant.</p>		
February 9, 2004 <i>A.S. Marshall</i> (signature)	<i>Thomas E. Morris</i> THOMAS E. MORRIS UNITED STATES MAGISTRATE JUDGE	
RETURN		
Commitment Order Received:	Place of Commitment:	Date Defendant Committed:
Date	United States Marshal	By Deputy Marshal

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

2-9-05
U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE, FLORIDA

UNITED STATES OF AMERICA
v.

MICHAEL R. DEPPE

Case No.: 3:05-M-0036-TEM

WAIVER OF RULE 5(c)(3) HEARINGS

I, MICHAEL R. DEPPE, understand that charges are pending in the District of Massachusetts alleging violation of 18 U.S.C. §1343 and that I have been arrested in this district and taken before a United States magistrate judge, who informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the Complaint;
- (3) a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- ☐ identity hearing
- ☐ preliminary hearing
- ☐ Identity hearing and have been informed I have no right to a preliminary hearing
- ☒ Identity hearing and reserve my right to have the detention hearing held in the prosecuting district
- ☒ identity hearing but request a preliminary hearing to be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

CERTIFIED A TRUE COPY
SHERYL L. LOESCH, CLERK
U. S. DISTRICT COURT
By: Marlene Kuley
Deputy Clerk

2/7/2005
February 7, 2005

M R Deppe

MICHAEL R. DEPPE

James H. Burke, Jr.
Counsel for the Defendant

MK

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES OF AMERICA

vs.

CASE NO. 3:05-M-0036-TEM

MICHAEL R. DEPPE

ORDER

The Court has examined the defendant, **MICHAEL R. DEPPE**, under oath and found him without sufficient resources within the meaning of Title 18, United States Code, Section 3006A to employ counsel, and the **Federal Public Defender** is hereby appointed to represent the defendant for the proceedings in this Division.

DONE AND ORDERED at Jacksonville, Florida, this 7th day of February, 2005.

Thomas E. Morris
THOMAS E. MORRIS
United States Magistrate Judge

Copies to:
Asst. U.S. Attorney (Gallagher)
Asst. Federal Public Defender (Burke)

CERTIFIED A TRUE COPY
SHERYL L. LOESCH, CLERK
U. S. DISTRICT COURT
By: Marlene Kerley
Deputy Clerk

H

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

FILED IN OPEN COURT
2-7-05
CLERK, U. S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE, FLORIDA

UNITED STATES OF AMERICA

vs.

Case No. 3:05-M-0036TEM

Michael R. Deppe

Defense Attorney: James A. Burke
AUSA: Michael Gallagher

JUDGE	THOMAS E. MORRIS U. S. Magistrate Judge	DATE AND TIME	<u>2-7-05</u> <u>2:30-3:21</u>
DEPUTY CLERK	Carol J. Holliman	TAPE/REPORTER	DIGITAL
INTERPRETER		PRETRIAL/PROBATION:	<u>Patrick Sheridan</u>

CLERK'S MINUTES

PROCEEDINGS: INITIAL APPEARANCE/REMOVAL ON WARRANT OUT OF

☐ Court requested counsel to be present for possible appointment.

☐ Interpreter sworn.

☐ Deft. appeared with retained counsel.

☒ Deft. arrested by St. Johns Sheriff on 2-4-05 on warrant from Mass. on
☐ Indictment ☐ Information ☐ Complaint ☐ violation of ☐ supervised release ☐ probation. out of Mass.

☒ Deft. requested court appointed counsel. ☒ Deft. placed under oath. ☐ Based on financial affidavit. Court appoints
F.P.D. with reimbursement upon motion of the govt. -ORDER
TO ENTER. for purposes of the hearing.

☒ Deft. ☒ advised of rights, charges, penalties and special assessment. ☐ advised of rights, charges, penalties of violation of
☐ supervised release ☐ probation.

☒ Govt. oral motion for ☒ detention ☐ bond. ☐ Govt. ☐ Deft. ☐ Joint continuance of detention hearing -GRANTED/DENIED.
Detention hearing set before Magistrate Judge Morris on ☐ - ORDER OF
TEMPORARY DETENTION TO ENTER.

☐ Detention hearing held. Deft. witnesses: ☐ Defendant ordered detained - ORDER OF
DETENTION TO ENTER ☐ Govt.'s motion for detention DENIED.

☐ Govt. recommended bond - ☐ BOND set at ☐
SEE ORDER SETTING CONDITIONS OF RELEASE TO ENTER.

☒ Deft. requested to waive ☒ identity hearing ☒ detention ☒ preliminary examination to be held in the charging district.

☒ Deft. and counsel executed waiver of Rule 40 Hearings

☒ Deft ordered removed to the charging district.

☒ ORDER OR REMOVAL TO ENTER

OTHER: _____

FILED IN OPEN COURT:

☒ Waiver of Rule 40 Hearings
☐ CJA23 Financial Affidavit

**U.S. District Court
Middle District of Florida (Jacksonville)
CRIMINAL DOCKET FOR CASE #: 3:05-mj-00036-TEM-ALL
Internal Use Only**

Date Filed: 02/07/2005

Case title: USA v. Deppe

Assigned to: Magistrate Judge Thomas
E. Morris

Defendant

Michael R. Deppe (1)
CUSTODY

represented by **James H. Burke, Jr.**
Federal Defender's Office
200 W. Forsyth St., Suite 1240
Jacksonville, FL 32202
904/232-3039
Fax: 904/232-1937
Email: jim_burke@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
Community Defender Appointment*

Pending Counts

None

Highest Offense Level (Opening)

None

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

18:1343.F Fraud by Wire, Radio or
Television

Disposition

Disposition

Disposition

Plaintiff

USA

represented by **Michael F. Gallagher**

CERTIFIED A TRUE COPY
SHERYL L. LOESCH, CLERK
U. S. DISTRICT COURT
By: *Marlene Kerley*
Deputy Clerk

U.S. Attorney's Office
 300 N. Hogan Street, Suite 700
 Jacksonville, FL 32202
 904/301-6300
 Email: michael.gallagher@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/07/2005	<u>1</u>	Minute Entry for proceedings held before Judge Thomas E. Morris:INITIAL APPEARANCE/REMOVAL hearing held on February 7, 2005 as to Michael R. Deppe Defendant advised of rights. (Tape #digital) (MK) (Entered: 02/17/2005)
02/07/2005	<u>2</u>	ORAL MOTION to appoint counsel by Michael R. Deppe. (MK) (Entered: 02/17/2005)
02/07/2005	<u>3</u>	ORAL MOTION for detention by USA as to Michael R. Deppe. (MK) (Entered: 02/17/2005)
02/07/2005	<u>4</u>	ORDER granting [2] Oral Motion to appoint counsel as to Michael R. Deppe. James H. Burke, Jr for Michael R. Deppe appointed. Signed by Judge Thomas E. Morris on February 7, 2005. (MK) (Entered: 02/17/2005)
02/07/2005	<u>5</u>	WAIVER of rule 5(c)(3) hearings by Michael R. Deppe (MK) (Entered: 02/17/2005)
02/07/2005	<u>6</u>	Arrest - Rule 5(c)(3) of Michael R. Deppe from District of Massachusetts on charges of Fraud by Wire, Radio or Television (MK) (Entered: 02/17/2005)
02/09/2005	<u>6</u>	COMMITMENT to another district as to Michael R. Deppe. Defendant committed to District of Massachusetts. Signed by Judge Thomas E. Morris on February 9, 2005. (MK) (Entered: 02/17/2005)
02/17/2005	<u>7</u>	TRANSFER of Rule(5)(c)(3) documents to District of Massachusetts as to Michael R. Deppe consisting of certified copies of orders, waiver of 5 (c)(3) hearings and copies of all other pertinent documents. (MK) (Entered: 02/17/2005)